

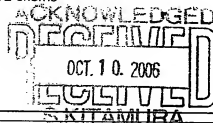
From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY
(CHAPTER I OR CHAPTER II
OF THE PATENT COOPERATION TREATY)
(PCT Rules 44bis.3(c) and 72.2)

To:

KITAMURA, Shuichiro
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JAPON



| | |
|--|---|
| Date of mailing (day/month/year) 28 September 2006 (28.09.2006) | |
| Applicant's or agent's file reference PCT-2005-200 | IMPORTANT NOTIFICATION |
| International application No. PCT/JP2005/001806 | International filing date (day/month/year) 08 February 2005 (08.02.2005) |
| Applicant SUNTORY LIMITED et al | |

1. Transmittal of the translation to the applicant.



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

2. Transmittal of the copy of the translation to the designated or elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

None

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, EG, EP, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SM, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

| | | | |
|--|--|--|------------------|
| Applicant's or agent's file reference PCT-2005-200 | FOR FURTHER ACTION | | See item 4 below |
| International application No. PCT/JP2005/001806 | International filing date (<i>day/month/year</i>) 08 February 2005 (08.02.2005) | Priority date (<i>day/month/year</i>) 13 February 2004 (13.02.2004) | |
| International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237 | | | |
| Applicant SUNTORY LIMITED | | | |

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis. 1(a).

2. This REPORT consists of a total of 6 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Box No. I | Basis of the report |
| <input type="checkbox"/> Box No. II | Priority |
| <input type="checkbox"/> Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> Box No. VI | Certain documents cited |
| <input type="checkbox"/> Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> Box No. VIII | Certain observations on the international application |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

Date of issuance of this report
19 September 2006 (19.09.2006)

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PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing
(day/month/year)

Applicant's or agent's file reference

PCT-2005-200

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/JP2005/001806

International filing date (day/month/year)

08.02.2005

Priority date (day/month/year)

13.02.2004

International Patent Classification (IPC) or both national classification and IPC

Applicant

SUNTORY LIMITED

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/IP

Authorized officer

Facsimile No.

Telephone No.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCI/JP2005/001806

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐

This opinion has been established on the basis of a translation from the original language into the following language
_____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐

a sequence listing

☐

table(s) related to the sequence listing

b. format of material

☐

in written format

☐

in computer readable form

c. time of filing/furnishing

☐

contained in the international application as filed.

☐

filed together with the international application in computer readable form.

☐

furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2005/001806

| | | | |
|--|--|-------------|-----|
| Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement | | |
| 1. Statement | | | |
| Novelty (N) | Claims | 1-9 | YES |
| | Claims | | NO |
| Inventive step (IS) | Claims | 3, 7-8 | YES |
| | Claims | 1-2, 4-6, 9 | NO |
| Industrial applicability (IA) | Claims | 1-9 | YES |
| | Claims | | NO |
| 2. Citations and explanations: | | | |
| Document 1: JP 5-124665 A (Nagayanagi Kogyo Kabushiki Kaisha), 21 May 1993 | | | |
| Document 2: WO 2003/031276 A1 (Kabushiki Kaisha Polymer Systems), 17 April 2003 | | | |
| Regarding claims 1-2, 4 | | | |
| <p>Based on document 1 and document 2 cited in the ISR, the inventions of claims 1-2 and 4 do not appear to involve an inventive step. The reasons are as follows.</p> <p>Document 1 mentioned above (see Par. Nos. 0010-0018) discloses a cork stopper, in which a liquid contact surface (6) and peripheral lateral surface (4) of a core member (4) are coated with a first synthetic resin film (7) made up of low-density polyethylene resin and, in addition, the liquid contact surface (6) and a portion of the peripheral lateral surface (5) are coated with a second synthetic resin film (8) made of polyethylene terephthalate.</p> <p>Document 2 mentioned above (see page 4, line 22 – page 15, line 26) discloses a cork stopper, in which a coating film (3') of polyethylene resin is formed on an outer peripheral surface (24) and bottom face (23) of a stopper main body (2), and a polyester film is adhered to the outer surface of the coating film (3') by heat fusion. Namely, according to the disclosure of document 2 above, a polyester film is adhered by heat fusion to the outer surface of the coating film (3') formed on the outer peripheral surface of the stopper main body (2).</p> <p>Based on the above disclosures, a person skilled in the art could easily coat the entire peripheral lateral surface (5) with the second synthetic resin film (8) of polyethylene terephthalate disclosed in document 1 above.</p> <p>Furthermore, document 1 mentioned above (in particular, see Par. No. 0013) discloses certain problems, such as the problem that if the thickness of the cup made of low-density polyethylene resin, which forms the first synthetic resin film (7) of low-density polyethylene resin, is 0.2 mm or less, then the coating film tears, forms pinholes during molding, and lacks stability, as well as the problem that when the thickness exceeds 1.0 mm, the film becomes too hard and unsuitable for a stopper, exhibits an excessively strong temperature dependency and considerable differences between the hard and soft states, and the opaque appearance of the low-density polyethylene resin is unsuitable for a cork stopper.</p> | | | |

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: V

With account taken of the above problems, a person skilled in the art could easily select appropriate thickness for the first synthetic resin film (7) of low-density polyethylene resin disclosed in document 1 above.

Regarding claim 3

The arrangement described in the invention of claim 3, in which a polyethylene-based adhesive layer on the liquid contact surface is made up of two layers and the polyethylene-based adhesive layer on the outer peripheral surface is made up of a single layer, is not disclosed in any of documents 1-2 above and would not be considered obvious to a person skilled in the art.

Therefore, the invention of claim 3 appears to be novel and to involve an inventive step.

Regarding claim 5

In addition to the features described in claims 1-2 and 4 above, document 2 above (in particular, see page 10, line 7 – line 16) further discloses that a coating section (32) is formed on the outer peripheral surface (24) and bottom face (23) of the stopper main body (2) by performing the steps of: placing a sheet of synthetic resin (10) on the top face (71) of the bottom half of the mold (7), heating the sheet (10), and inserting the stopper main body (2) along with the sheet (10) into the molding bore (72) of the bottom half of the mold (7).

The steps disclosed in document 2 above, i.e. placing a sheet of synthetic resin (10) on the top face (71) of the bottom half of the mold (7), heating the sheet (10), and inserting the stopper main body (2) along with the sheet (10) into the molding bore (72) of the bottom half of the mold (7), could be easily adopted by a person skilled in the art as a procedure for forming the second synthetic resin film (8) of polyethylene terephthalate resin disclosed in document 1 above.

Therefore, based on document 1 and document 2 cited in the ISR, the invention of claim 5 does not appear to involve an inventive step.

Regarding claims 6, 9

In addition to the features described in claim 5 above, in the technical field of film adhesion, adhering a film having an adhesion-forming layer adhered thereto by dry lamination to an object is a routine procedure for a person skilled in the art and it would be easy for a person skilled in the art to use a polyethylene terephthalate resin film having a polyethylene-based adhesion-forming layer adhered thereto by dry lamination for forming the second synthetic resin film (8) of polyethylene terephthalate resin disclosed in document 1 above.

Therefore, based on document 1 and document 2 cited in the ISR, the inventions of claims 6 and 9 do not appear to involve an inventive step.

Supplemental Box

Regarding claims 7-8

The arrangements of the inventions of claims 7-8, wherein the polyethylene-based adhesion-forming layer on the core comprises at least two films, i.e. a first film corresponding to the liquid contact surface and a second film corresponding to the outer peripheral surface and to the liquid contact surface, is not disclosed in any of the documents 1-2 above and would not be considered obvious to a person skilled in the art.

Therefore, the inventions of claims 7-8 do not appear to be novel or to involve an inventive step.